

**AN ORDINANCE BY COUNCILMEMBERS CLAIR MULLER
AND CATHY WOOLARD**

AS SUBSTITUTED BY CITY UTILITIES COMMITTEE

AN ORDINANCE TO AMEND THE CITY OF ATLANTA CODE OF ORDINANCES BY ESTABLISHING AND ADOPTING A NEW ARTICLE VII OF CHAPTER 74 ENTITLED "RIPARIAN BUFFER REQUIREMENTS"; TO RESCIND ORDINANCE 01-O-0709; AND FOR OTHER PURPOSES.

WHEREAS, Ordinance 01-O-0709 was adopted by City Council on May 21, 2001 and was approved by the Mayor on May 25, 2001; and

WHEREAS, the purpose of Ordinance 01-O-0709 was to increase the requirement for streambank buffers from 25 feet to 75 feet for the purpose of protecting water quality, to fulfill the requirements of the Metropolitan River Protection Act, and for other purposes; and

WHEREAS, Ordinance 01-O-0709 placed the expanded stream buffer requirements in Chapter 74, Article II "Land Disturbing Activities" and provided no variance procedures for the expanded stream buffer requirements; and

WHEREAS, the City wishes to locate stream buffer regulations in a separate Article VII of Chapter 74 to be known as "Riparian Buffer Requirements", to provide variance procedures to such requirements, and to broaden the purpose of such requirements beyond erosion and sediment control.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS AS FOLLOWS:

SECTION 1. That Ordinance 01-O-0709 is hereby rescinded in its entirety.

SECTION 2. That Article VII of Chapter 74 of the Code of Ordinances entitled Riparian Buffer Requirements is hereby established.

SECTION 3. That the text for the new Article VII, Riparian Buffer Requirements, shown in Exhibit A, is hereby adopted in its entirety.

SECTION 4: Applications for development permits or the subdivision of land filed between May 25, 2001 and the effective date of this ordinance, may, at the request of the applicant, proceed through the permitting process under the provisions of this ordinance rather than the provisions of Ordinance 01-O-0709.

**Large
document
attached**